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Attorneys for Defendant  
WALMART INC.

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

YIMI VALDOVINOS,

Plaintiff,

v.

WALMART, INC.; and DOES 1 through 50,  
inclusive,

Defendants.

Case No.: 2:20-cv-00222-KJM-DMC

**STIPULATION AND ORDER TO  
CONTINUE PRETRIAL DEADLINES**

Action Filed: October 17, 2019  
PTC: March 25, 2020  
Trial Date: Not Set

1 IT IS HEREBY STIPULATED AND AGREED by and between all parties, through their  
2 counsel of record, as to the following:

3 1. On January 29, 2020, Defendant Walmart Inc. (“Defendant”) removed the above  
4 captioned matter to United States District Court for the Eastern District of California.

5 2. The Court issued its Initial Pretrial Scheduling Order on April 2, 2020. No trial  
6 date was or has been scheduled.

7 3. The parties have engaged in substantial discovery to date including several sets of  
8 written discovery, depositions, and a site inspection.

9 4. The parties initially attempted to resolve this matter by way of use of the Court’s  
10 Voluntary Dispute Resolution Program, pursuant to which the Court continued all pretrial  
11 deadlines by 114 days. The above captioned matter was mediated, but not resolved, on March 31,  
12 2021.

13 5. Subsequently, Plaintiff conducted additional discovery, and the parties agreed to  
14 submit this matter to private mediation.

15 6. On September 2, 2021, the parties submitted a stipulated request for a 120-day  
16 continuance of all pretrial deadlines. The Court granted the parties’ request.

17 7. Subsequently, Plaintiff’s counsel, Mr. Newman, suffered a personal loss and  
18 professional hurdles that caused him substantial distress. As a result of the delay caused by Mr.  
19 Newman’s personal issues, this case has not yet been mediated via private mediation. Mr.  
20 Newman apologized to counsel for Defendant, Mr. Spallas, for his lack of responsiveness and for  
21 the delay in attempting private mediation.

22 8. On March 14, 2022, Defendant submitted an ex parte application (ECF No. 22)  
23 requesting an extension of its dispositive motion filing deadline. After Defendant filed its ex parte  
24 application, counsel for the parties met and conferred regarding outstanding issues. Accordingly,  
25 the parties intend this joint stipulation override and render moot Defendant’s ex parte application  
26 should this joint stipulation be approved by the Court.

27 9. Walmart intends to change its counsel of record in this matter and will file an  
28 association of counsel shortly hereafter.

1           10.     The parties respectfully jointly request that this Court grant one *final* 120-day  
2 pretrial deadlines extension so that Defendant may have additional time before filing a dispositive  
3 motion, allow the parties an opportunity to resolve this case at mediation, and allow Walmart's  
4 new counsel time to prepare their case.

5           11.     The parties have agreed to use mediator Claudia Viera on May 16, 2022.

6           12.     The parties anticipate and agree this will be their final request for an extension of  
7 pretrial deadlines.

8           13.     Good cause exists for the granting of this request based on the foregoing.  
9  
10  
11

12  
13 Date: March 21, 2022

By: /s/ Daniel Newman  
DANIEL T. NEWMAN, ESQ.  
Attorney for Plaintiff,  
YIMI VALDOVINOS

14  
15  
16 Date: March 21, 2022

By: /s/ Gregory Spallas (as authorized)  
GREGORY SPALLAS, ESQ.  
Attorney for Defendant,  
WALMART INC.

**ORDER**

Pursuant to the Parties' stipulation to Continue Pretrial Deadlines, and good cause having been shown, the current pretrial litigation deadlines relating to non-expert discovery, expert depositions and for hearings on dispositive motions in this matter are all continued another 120 days from the date this Order is entered.

Dated: March 25, 2022



DENNIS M. COTA  
UNITED STATES MAGISTRATE JUDGE

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